

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ESTEBAN F. MARTINEZ HERNANDEZ,

Defendant.

4:12CR3077

PRELIMINARY ORDER
OF FORFEITURE

This matter is before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 33). The Court has reviewed the record in this case and finds as follows:

1. Defendant entered into a Plea Agreement (Filing No. 31), whereby he agreed to enter a plea of guilty to Count I and the Forfeiture Allegation of said Indictment. Count I charged the defendant with possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841. The Forfeiture Allegation charged the defendant with using \$350.00 in United States currency to facilitate the commission of the conspiracy and/or said personal property is derived from proceeds obtained directly or indirectly as a result of the commission of the conspiracy. On December 19, 2012, he entered his plea of guilty and also forfeited any interest he had to the \$350.00.

2. By virtue of said pleas, the defendant forfeits his interest in the subject property, and the United States should be entitled to possession of said currency, pursuant to 21 U.S.C. § 853.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained. Accordingly,

IT IS ORDERED, ADJUDGED AND DECREED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Indictment and the defendant's plea of guilty, the United States is hereby authorized to seize the \$350.00 in United States currency.

C. Defendant's interest in the \$350.00 in United States currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned currency is to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the currency in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject currency must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent

of the Petitioner's right, title or interest in the subject currency and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the currency subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 3rd day of January, 2013.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court